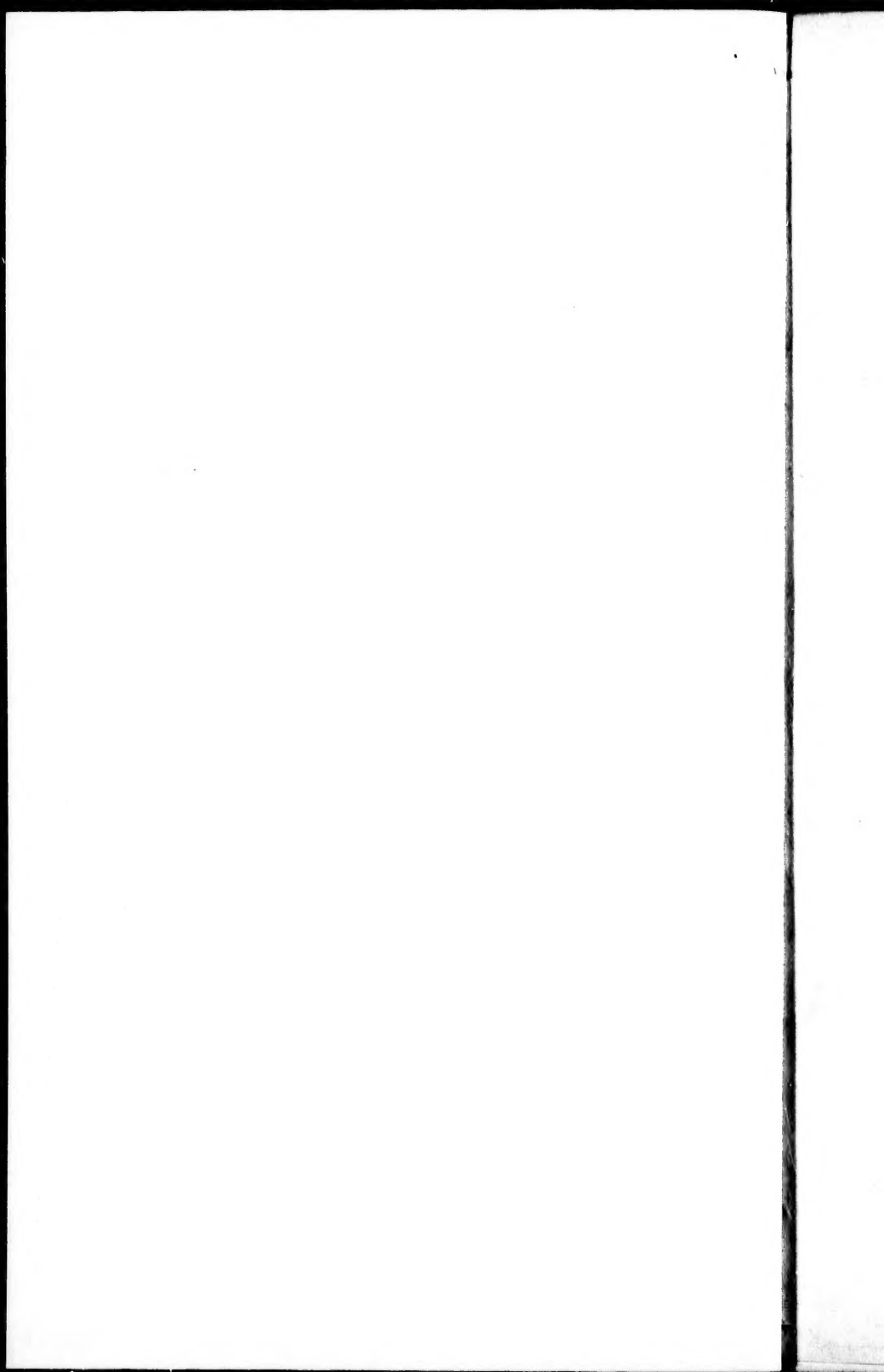




THE
NEW UNIVERSITY BILL,
AS PROJECTED BY
THE PROVINCIAL GOVERNMENT,
WITH REMARKS
UPON ITS SEVERAL HEADS.

ALSO,
TWO PROPOSED METHODS
FOR THE ADJUSTMENT OF THIS QUESTION.

In a Letter to the Editor of "The Church."

COBOURG:
PRINTED AT THE DIOCESAN PRESS.

1845

TO THE EDITOR OF THE CHURCH.

Canada West, Feb. 24, 1845.

REV. SIR,—I send you for publication two documents, numbered I. and II., which may be deemed of no little importance, as bearing upon the University question at present so much agitated. The first is, the Queen's College Scheme for settling this question; which seems to have been adopted, in an evil hour, by the Government, and is at present circulating amongst the Members of the Legislature, under the sanction of the Administration.—The second, it is said, emanates from the Bishop of this Diocese, and points out the only methods by which, in his Lordship's opinion, a just and popular adjustment of the question can be attempted. I will merely add that the Bishop's views are noble in conception, and generous as well as just to all parties, and that they ought most certainly to be followed out.

AMICUS.

76

THE NEW UNIVERSITY BILL.

NUMBER I.

HEADS OF THE NEW UNIVERSITY BILL CIRCULATED AMONG
THE MEMBERS OF THE LEGISLATURE, WITH THE
SANCTION OF, AT LEAST, SOME OF THE MINISTRY:
WITH REMARKS.

1. The University to be called the University of Upper Canada.

With the mere name we do not quarrel, but the whole of this scheme is virtually to transfer the endowment of King's College to the Presbyterians, or rather to what is called the Residuary Kirk, which now consists of an insignificant fraction of the population. How the Government could have been induced to sanction a course so preposterous, is altogether inexplicable; nor will the public be less astonished to find it concurred in by Members of the Church of England in the Commons House of Assembly, thirty-five or thirty-six in number, acting like automations under the direction of a party,—the avowed enemies of the Church of England, laughing in their sleeves at the pliant conduct of the Church Members in the House doing their bidding, and not thinking for themselves till too late, when they will discover that they have sacrificed the interests of a Seminary that was conferring honour on the Province and was essential to the well-being of the Church they profess to revere, because they have believed enemies rather than friends, and never considered the question in its true light,—a question not of expediency but of conscience.

2. The University to have no Theological Chair.

That a Legislature, professing itself Christian, should exclude from the principal Seminary of Education every possible reference to religion, is a novelty, even in this infidel age. Under this restriction, there can be neither prayer nor praise, nor inculcation of Christian morality. By this article the University is stripped of its religious character, and our holy Church is

reduced, in as far as legislative enactments can do it, to an equality with all sects. But happily, in this case, legislative enactments are powerless, for they cannot make falsehood truth. Our Church stands on the Rock of Ages, and the gates of hell shall not prevail against her. There is nothing in Mr. Baldwin's bill of last year more odious than this; for it is to abjure Christianity and deny our Redeemer, and there exists not, nor ever did exist, in Christendom a University—the notorious London one always excepted)—without a known and distinct religious character.

3. To confer Degrees in all arts and faculties in full Convocation. And each head of College to be ex-officio Pro-Vice-Chancellor, and, as such, to hold and preside over a Convocation of those Members belonging to his own Church, for conferring Degrees of Divinity on Members of such Church, who are duly qualified.

4. Colleges to belong to the University. All Students of the University must enter into one of these Colleges; except in the case of any person desirous of becoming a Student of the University, and who may belong to some denomination of Christians not having a College in connection with the University, such person may be received as a Student on the University-books, on producing a certificate from his parents or guardians of their approbation and consent, and also a certificate from some Clergyman or Member, usually residing within the city of Toronto, that such person professes to belong to his religious community.

The Colleges here meant are chiefly Theological, to surround the University of Upper Canada. One for each denomination. But in order to participate in the government and endowment of the University, they must submit to three conditions: First, They must surrender their power of conferring degrees; 2ndly, Locate themselves at Toronto; 3rdly, They must have a Royal Charter. To all this they must add a submission to an uncertain extent to an interior authority and superintendence which is professedly guided by no religious principles. In cases where the student has no College of his own sect, and except Queen's College there will be none, he is left totally without religious guidance during the most critical period of his life.

5. All Colleges, declared and constituted Colleges of the University, to have an allowance therefrom of not less than £300 per annum, nor more than £1000; to be annually apportioned by the University Council according to the average number of Students actually on the books of each College respectively, and attending the University Lectures, during the year preceding. No College with less than fifteen students to be entitled to allowance.

This clause, and indeed the whole scheme, is a total spoliation of King's College; against which the Corporation ought not only to protest as contrary to every principle of justice, but beyond the Constitutional power of the Legislature;—for the Law of England does not acknowledge any right even in the Supreme power to abridge in the slightest degree the privileges of any Corporation, unless some great malversation be shewn, and which in this case is not even pretended. The robbery which this clause embraces, adds cruel insult to injustice; for it offers to King's College less than one-thirtieth of her own endowment, and even this miserable pittance is, in heartless mockery, offered on terms which she cannot accept. And yet the University of King's College holds her endowment on the same tenure as every farmer of the Province holds his farm.

6. King's and Queen's College to be at once declared and constituted Colleges of the University.

7. All other Colleges in Upper Canada, possessing University powers, may, on surrender of the power of conferring degrees, (except in Divinity), be also declared and constituted Colleges of the University.

8. Such other Colleges within Upper Canada as may hereafter obtain Charters from the Crown, (with power to confer degrees in Divinity), may also be declared and constituted Colleges of the University.

This article as to the different denominations of Christians in the Province have in fact no religious principles; that they are so different to the truth, and ready, for the miserable bribe of £300 per annum, to trample on their consciences. Now it will be found that with the exception of Queen's College, from which the scheme emanates and which seems utterly careless of religious truth, there is not another denomination so mean as to accept the terms proposed. We know from the highest authority that the *United Church of England and*

Ireland cannot and dare not participate in or have any connexion with this wicked scheme, and must be considered as entirely withdrawn. Her principles disallow any amalgamation with Dissenters from her Communion, and were she to get ten thousand instead of three hundred pounds, she can have no concern with such an unholy Institution.

This is one of the many fallacies under which the scheme labours, and which its promoters are carefully concealing from the public. First, They know that the Church of England can have nothing to do with it; 2. That the two next largest denominations, were they disposed to surrender their principles, (which they are not), are virtually excluded by the terms proposed for their admission; 3. That the smaller denominations are also insidiously excluded, not being in a situation to comply with the terms; 4. Hence no sect or denomination will be benefited but the Residuary Kirk of Scotland; to which, if this measure becomes law, the endowment of the University of King's College will be wholly surrendered. To shew more clearly the iniquity of this proceeding, we have only to refer to the population of Upper Canada, by which it will be proved that this measure, instead of being, as its supporters pretend, for the benefit of the whole Province, is only for the advantage of a few:

The population of Upper Canada last census was..... 486,055

The Church of England, (which can have nothing to do with the proposed Institution)..... 128,897

The Roman Catholic College is located at Kingston, and from principle cannot accept the terms..... 78,119

The Methodist College is located at Cobourg, and cannot accede to the terms, if for no other reason, on account of its position..... 99,343

Christians of other denominations, who have no Royal Charters nor means of building, and are thus virtually shut out..... 86,302

Population injured by the proposed measure 392,661

Population that may perhaps receive some benefit 93,394

Less than one-fourth of the inhabitants of the Province. But from this we ought to deduct the Members of the Free Church, or at least three-fourths,—scarcely leaving thirty thousand to be benefited by this measure out of half a million. This is, surely, party legislation with a vengeance. The Members of the Church of England will, I trust, at length open their eyes to the ridiculous position in which they have been placed, and, Queen's College notwithstanding, vote against the Bill.

9. University Caput to consist of—

1. Chancellor.
2. Vice-Chancellor.
3. The Chief Justice.
4. The Senior Puisné Judge of Queen's Bench,
Upper Canada, for the time being.
5. The Principal or Head of each College.
6. The Principal of Upper Canada College.

10. University Caput or Council to make By-Laws for regulating Property, University Studies and Discipline; but less £—— for public buildings, to be limited to the expenditure of its annual income and revenue. Proceeds of sales and all other capital to be invested.

On these articles I will merely remark, that, unless there be an imperative enactment, no Judge or Member of the Church of England will ever sit at such an heterogeneous board.

11. Governor General to be Visitor.

To this there is perhaps no particular objection.

12. Chancellor to be elected every four years by Convocation, and not to be a Professor or hold any other office in the University.

13. All Graduates of and above the degree of M.A. conforming to the University Statutes, to be Members of the Convocation.

Neither of these call for any particular remark.

14. Vice-Chancellor and Professors of the University to be appointed by the Crown, (Vice-Chancellor to be a Professor.) Professors and Officers, before entering upon their duties, to subscribe a declaration, that they believe in the authority and Divine inspiration of the Old and New Testament, and in the doctrine of the Trinity.

Professors may be removed by the Crown, on the representation of the University Council; Meetings of the University Council; Precedence; Quorum; Casting Vote. No Statute to pass at the first meeting, especially convened for that purpose.

There should be no connection with the local Government. Appointments by the Crown and the Governor-General are the same; and the country will not soon forget the arrangement with Mr. Ryerson and the pitchforking of an amiable man, but totally unqualified, to be Professor of Mathematics and Natural Philosophy. To give such power is to ruin the University, and make it, as our neighbours say, political capital. No man can read the correspondence lately published, between the Governor General and the Colonial Secretary, respecting the appointment of a Mathematical Professor, without grief and indignation. The University, to prosper, must be entirely separated from the sink of colonial politics.

15. Upper Canada College to be under the management of the University Council, by whom its several Masters may be appointed and removed, except the Principal, who shall be appointed by the Crown.

To leave the appointment of the Classical Masters to a Council so composed as this, will, in a short time, deteriorate Upper Canada College, and deprive it of its present eminence among Classical Schools.

16. King's College to be governed by a Board of five: to consist of the President, who shall be Professor of Theology, (to be appointed by the Church Society of the Diocese of Toronto); a Vice-President, to be appointed by the President and the three Senior Tutors, who shall in the first place be appointed by the Visitor. All future Tutors to be appointed by the Board, after examination; and the three Senior Tutors to be always members of the Board.

17. Queen's College to be governed by Trustees, according to Charter.

These two articles are worthy of particular attention, as proving the origin of this wicked measure. King's College is interfered with in all its details: it can have but two Professors; if any more teachers, they are to be Tutors only. Moreover, it is robbed of all its property, and yet before it can go into operation, it must possess sufficient funds to pay two Professors and three Tutors; for without this number it can have no board, it is excluded from all privileges. How differently is Queen's College dealt with: it may have as many Professors,

or as few, as it pleases; no interference or restriction is allowed, of any sort; and why?—because it is the Queen's College Measure, and the Legislature is sought to be made a puppet in its hands!

18. King's and Queen's College to have no power of conferring degrees (except Divinity), but their Graduates in Divinity conforming to the University Statutes, to be Members of Convocation.

19. Each College so declared and constituted to have the exclusive power of making Statutes for the domestic discipline, attendance on religious worship, and Theological studies and tests of their own Students, and for the conferring of degrees of Divinity, as well as all other matters of purely internal regulation.—These powers to be exercised by the respective Councils or governing bodies of such Colleges.

These are rather subjects of ridicule than of criticism. Except as respects Queen's College, their provisions are useless, for no other College will ever make any claim; and when the measure becomes law, the Legislature to their shame and confusion will discover that they have been legislating for a miserable particle of the population, and thus sacrificing the interests of nine-tenths of their constituents. Surely such a proceeding is insane, or something worse.

20. The endowment from the Crown conferred upon King's College, and all the property acquired thereby, or arising therefrom, to become vested in the Provincial University.

Honest men who were at first bewildered and deluded on the University question, are beginning to consider that the interference of might with right is not the way to give tranquillity to the country; and many that were disposed to meddle with King's College are now aware of the danger of commencing a course of confiscation which, if once begun, must end in the destruction of all the valuable Institutions of Upper and Lower Canada. Thinking men begin to perceive that full security to property is essential to the well-being of any community; and although the private property of individuals has naturally greater security than that of corporate bodies, because every

man has an interest in its protection, yet the property of corporate bodies is no less sacred, though more exposed to the attacks of avarice and malice. It may be fairly made a question, whether the supreme authority in any country is justly competent to transfer to other uses property especially granted for definite and unexceptionable purposes; and, except in cases of notorious malversation, it can never in justice make use of such power.

It may indeed be admitted that some such power must be somewhere vested to provide against extraordinary contingencies, but even then it has seldom been exerted without the greatest caution, because of the danger of unsettling property, unless in periods of agitation and revolution; and out of all the instances which history supplies of the confiscation of property granted on mature deliberation for a special and meritorious object, or its transfer from its legal Trustees to other purposes, even though in themselves useful, scarcely one will be found which the impartial judgment of posterity can approve. I cannot, therefore, believe that the Legislature will be induced to depart from the maxims of a just and necessary policy in molesting King's College and depriving it of its endowments. The temptation may appear strong, from the bitterness, rather than the number, of the enemies of that Institution, and the coldness hitherto manifested by its friends, by which it has been rendered in a great degree defenceless; but it is the duty of the Legislature to look to the future consequences of its measures; and I call upon any fair and honourable man to ask himself whether the objections which have been made against the University of King's College may not be made with equal force and justice against every pious and charitable foundation in Lower Canada.

21. All gifts, endowments, and bequests to King's College, other than those from the Crown, to remain the property of King's College.

This article is the only indication of honesty in the whole scheme.

22. Professors of King's College now appointed, except in Divinity, to hold the same situation in the Provincial University, till otherwise negatived by competent authority.

23. Existing By-laws and Statutes continued till otherwise regulated by competent authority.

24. Terms to be kept by Students in King's College, to be allowed in Provincial University.

These deserve no particular notice. On the whole it is clear as day, considering what the Scotch and Methodists have done in their own cases in founding Queen's and Victoria Colleges, that, in striving to have King's College put on such a footing, they are not actuated by a wish to have a good Institution, but their only and sole aim is to keep back the national Church from a position which, in spite of all her enemies, she will attain.

NUMBER II.

I see but two methods by which any thing like a satisfactory result can be arrived at, on the subject of the University of King's College.

FIRST METHOD.

To leave the University untouched in respect to its endowment, and to repeal the 7 Will. IV. c. 16. amending its Charter, by which it will be placed on its original footing.

This being done, let liberal endowments be given to the Colleges of such other denominations as Government shall think it right to establish—which can easily be done out of the large portion of the Clergy Reserves, about nine hundred thousand acres left at the disposal of the Government by the 3 & 4 Vic. c. 78, an Act to provide for the sale of the Clergy Reserves &c., which are capable at once of yielding a competent revenue.

This appears the most judicious and equitable manner of satisfying all reasonable men. We ask for the Church of England bare justice; we have no desire to interfere with other denominations, nor shall we grudge them any

endowment, however large, which the Government may think fit to grant them; and as we wish not to meddle with them, neither should they desire to meddle with us. And we consider it but reasonable and just that we should be permitted to proceed according to the original intention of the Charter without molestation, and in the enjoyment of the privileges which the Imperial Government had conferred upon us, and be left at liberty to seek from the Crown such amendments of our Charter hereafter as experience shall prove necessary to its more efficient working. This fair and honest way of settling the University question, would doubtless please all who really desire the good of the Colony.

The different religious denominations would thus have the means of educating their youth according to their own wishes, and on their own principles; no room would be left for collisions or heartburnings; and in a short time agitation on the subject would pass away, and the different Colleges would only feel a noble emulation in rivalling each other in sound learning.

SECOND METHOD.

Should the first method be objected to, (although I see no reasonable impediment in its way,) I would submit with great reluctance and as it were under compulsion, but for the sake of peace, to divide the present endowment of King's College on the principle recognized and acted upon in the 3 & 4 Vic. c. 78, entitled, An Act to provide for the sale of the Clergy Reserves, and for the distribution of the proceeds thereof.

On this principle, $\frac{1}{4}$ of the whole endowment would be given to the United Church of England and Ireland, and $\frac{5}{24}$ to the Church of Scotland, leaving $\frac{9}{8}$ towards the endowment of Colleges for such other Christian denomi-

nations as are recognized by Government, and a Medical School; and if this be found insufficient, the means are ample from the Clergy Reserves and other lands to make up the deficiency.

Should this method be preferred, the Church of England will proceed with its share, and such further assistance as it may receive from its friends, to establish a College at or near Toronto under a new Charter, for the education of her youth in the Arts and Sciences and in Divinity, which shall in no way be connected with the Government; and thus be exempt from the effect of political changes and agitations, while it would be in perfect and exclusive connexion with the Church of England, and thus be free from the danger of religious strife.

With regard to any attempt to constitute a University which would mix up the Church of England with other religious denominations, it ought not for a moment to be entertained. No sincere member of our Church could have any thing to do with it, and it would, if established, have the effect of excluding us from what was literally our own endowment. With such a motley institution we can have no connexion whatever,—nor with any College or University which does not found its course of studies upon the Christian religion as taught by the United Church of England and Ireland.

One of the great objects of King's College, and perhaps the principal, was to enable us to educate our youth and Clergy as in the Mother Country, but within the Province; hence Oxford University is placed before us in the Charter as our model. This was the purport and bearing of the original application to the Crown for a University: it was a principle known to and distinctly recognized by Government; and under any other principle, a Charter would never have been asked for or received by the Archdeacon of York, now the Bishop of Toronto.

That this was the principle of the foundation of King's College was not merely admitted by the Government, but known to the public in England when the Charter and the endowment were granted; and in any new arrangement it must neither be lost sight of nor given up. It was from a conviction that King's College was to be a Church of England University in its religious character, that the Society for the Propagation of the Gospel granted a Divinity Library, and that a promise of similar aid was given by the Society for Promoting Christian Knowledge, when the University should be in full and free operation on this principle.

Either of these methods requires only simple enactments; and although the second is rather more complicated than the first, it might be arranged by a very short Statute, giving $\frac{1}{2}$ of the present endowment and effects of the University of King's College to the Church Society of the Diocese of Toronto, in trust for the endowment of a College and University under a Royal Charter, at or near Toronto, in connexion with the United Church of England and Ireland, $\frac{5}{8}$ to Queen's College, and the remaining $\frac{3}{8}$ to be distributed to support or found such other Colleges as the Government might think fit.

The first method proposed is preferable, because it meddles not with vested rights, and offers no encouragement to future spoliation, or attempts to meddle with the far richer and larger endowments of Lower Canada.—But the Charter should be so altered as to separate the Institution from political influence, from which it has already suffered so much, and be entirely under the guidance and authority of the Church. In like manner, the endowments to Colleges of other denominations should be given up freely to their own management, without admitting of any Government interference.

The object of the Legislature should be to settle this question on such a just and equitable basis as must satisfy the honest and upright of all parties, without regarding the clamour of the factious and destructive, who delight in dissension, and are dismayed at the loss of a grievance.

It will not only be treason to the Church for her sons, who form at least one-third of the Legislature, to hold back on this occasion and betray her to her enemies, weak and insignificant as they are in number, but it will be treason to good morals and religion: nor need the most pusillanimous among us fear to do right on this subject, for all the wise and sound-hearted of other denominations will assist them, if firm and sincere in setting it at rest for ever, on a foundation at once equitable and just to all concerned.

No power on earth can deprive the Church of England of the right of educating her own youth in the Arts and Sciences, and for the learned Professions; it is a right which she must ever maintain, even to the death.

She claims, as the Roman Catholics do and with equal justice, the education of her children from the cradle to the grave; and to her the establishment of any institution with her own endowment, of the benefits of which she cannot partake from conscientious principles, would be a measure both of cruel insult and oppression, which it would be her praise to resist.

Indeed, in such an extreme and I trust impossible case, it will be the duty of the Bishop and his friends to carry the matter before the Queen in her Committee of the Privy Council, where we feel assured that justice would be done. But this would be to prolong and embitter the contest. How much better will it be for the Legislature of Canada to adopt such a measure as would, from its justice and moderation, please all the good principled and well disposed, and give at once peace and tranquillity to the whole community!

In repeating that the first suggestion is on several grounds preferable, the following reasons are pressed upon the consideration of those who may be supposed to take a sincere and enlightened interest in the advancement of Science, and in the general diffusion of Education and Religion, that it does not involve a spoliation or desecration of any existing endowment; and while it would leave to King's College a revenue not more than ample for the great objects in view, it would enable the Crown to grant to each one of those large denominations of Christians to which it is to be presumed the assistance would be extended, as large a grant of land (even to the number of acres if necessary,) as would be thus confirmed to the University of King's College.

n several
essed upon
d to take
cement of
ation and
r desecra-
ould leave
ple for the
n to grant
ristians to
uld be ex-
number of
ned to the